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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,206	03/24/2000	Shintaro Ichihara	Q58496	2978

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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,206

Applicant(s)

ICHIHARA, SHINTARO

Examiner

Tuan V. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/05 has been entered.

2. Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive.

With regard to claims 1 and 5, Applicant argues that Safai does not disclose "a selection means selecting between the first memory section and the second memory section for selectively storing the image data", page 8 of the remarks. In response to the arguments, the examiner notes that Safai discloses in col. 15, lines 28-45 that the camera owner can store and retrieve image data from storage device 614 of server 601 at the camera side. In addition, camera 100 has storage device 212 that is used to store image data. Thus, camera 100 is able to store and retrieve image data stored in storage devices 212 and 614 and there must be inherently included a selection circuit, which the owner can select a storage device between devices 212 and 614 in

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order to store image data. It should be noted that Safai states in col. 12, lines 37-49, that the photos stored in camera 100 can be sent a particular place for storing.

For the reasons above, the rejection is repeated.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-9, 13-14, 15-17 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai et al (US 6,167,469).

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With regard to claim 1, Safai et al discloses in Figs. 6 and 7, an image data processing system that comprises the digital camera having a camera section (camera 100 including image detector 250 is shown in Fig. 2, col.5, lines 29-40), first memory section (storage device 212, col. 6, line 2), first processing means (server 601 and service 602, col. 13, lines 20-35 and col. 14, lines 9-30), second memory (storage device 614, col. 13, lines 31), second processing means (printer 612 inherently includes a processor for processing image data sent from server 601 so as to print the images on a hard copy, col. 13, line 34 and col. 14, lines 30-43; noted that the printer has to convert image data from server 601 into printing data; therefore, the printer must have a processor to perform the data conversion), communication apparatus (modems 214, 604 has CPU that provides perform a particular processing for printing or addressing, col. 14, lines 1-43), and communication section for the digital camera (communication port 214 and CPU 210, Fig. 2 and col. 15, lines 27-45) and instruction means (camera instructions are sent to server 601 and PSTN 606 and Network 608).

With regard to claim 2, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the second processing

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means including a print section (printer 212 includes printing mechanism so as to print image data from the server).

With regard to claim 3, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the third memory (printer 212 inherently includes a memory because the printing speed of the printer is always slow in comparison to transmission speed of the server and the memory is used to serve as a buffer to slow down the transmission from the-server).

With regard to claim 5, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the camera section (camera 100), image data image data is stored in memory 212), instruction means (CPU 210 instructs server 610 to process image data that can be sent to a printer), second memory (storage device 614), and connecting section (communication port 214 and CPU 210, col. 15, lines 27-45).

With regard to claim 7, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the instruction means (CPU 210).

With regard to claim 8, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the first processing means communicates directly with the digital camera (server 601 directly processes image data from camera 100 without passing

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through any other image processing circuit, col. 14, lines 9-55).

With regard to claim 9, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the instruction means (CPU of camera 100 directly communicates with server 601 without passing through any other server, col. 14, lines 9+).

With regard to claims 13 and 14, Safai discloses in Figs. 6 and 7, a processing system that comprises the display (Safai discloses in col. 15, lines 27-45 that the camera user can retrieve and transmit image data from the camera via photo album; therefore, there must be inherently a display that displays image data from the storage 614 in order to retrieve a desired image data for printing).

Claims 15-17 recite what was previously discussed with respect to claims 1, 2 and 3.

With regard to claims 20 and 21, Safai discloses in Figs. 6 and 7, the first processing circuit communicates directly with the digital camera (camera 100 communicates directly with server 601 without passing through any paid service provider as shown in Fig. 6).

With regard to claims 22 and 23, Safai discloses in figs. 1, camera 100 that includes a display 108; where the display is

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used to display image data from photo-album of server 601, col. 15, lines 27-45).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the-time the invention was made to a 'person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai et al.

Safai et al discloses the same subject matter discussed with respect to claims 1-3 and 15-17, except that the system includes a plurality of the second processing means and the camera includes selecting means for selecting the second processing means.

Safai et al does not explicitly disclose any plurality of the second processing means and the selecting means of the

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camera. However, Official Notice is taken that a camera can be connected a to a plurality of printers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of printers in the camera system of Safai et al so as to obtain a plurality of second processing means because the incorporation of a plurality of printers in the Safai system would allow a user to select a desired printer to send the pictures for printing.

In the combination, since a user can select a desired printer, there must be inherent included a selecting circuit implemented on the camera 100 of Safai so as to select a particular printer and thereby to improve the efficiency of the system.

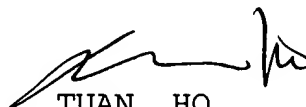
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the

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organization where this application or proceeding is assigned is
(572) 273-8300.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
Customer Service whose telephone number is (571) 272-2600.



TUAN HO

Primary Examiner

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